

REMARKS

Claims 1-33 are pending in this application and are subject to restriction under 35 U.S.C. § 121. Claim 1 is amended to cancel subject matter drawn to non-elected subject matter. Claims 15 and 18 are canceled as drawn to non-elected subject matter. Claims 2-5 are amended to reflect their dependency on claim 1. After entry of the present amendments, claims 1-14, 16, 17, and 19-33 will be pending.

Restriction Requirement

In the present Office Action, restriction is required between the following groups:

Group I: Claims 1, 6-18, and 20 drawn to a compound of formula I.

Group II: Claims 1, 6-18, and 20 drawn to a compound of formula II.

Group III: Claims 2 and 3 drawn to compounds of formula III and IV.

Group IV: Claims 4 and 5 drawn to compounds of formula V and VI.

Group V: Claim 19 drawn to a method of inhibiting plasminogen.

Group VI: Claims 21-33 drawn to a method of treating a disease.

Applicants respectfully traverse the requirement for restriction of Groups I, III, IV, V, and VI and respectfully request reconsideration.

According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05-§ 806.05(i)); and
- (B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) to § 806.04(i), § 808.01(a), and § 808.02).

Applicants respectfully submit that Groups I, III, IV, V and VI should be rejoined because examination of compounds of the present invention and methods of using these same compounds would not impose a serious burden on the Examiner. For example, if the compounds of Group I are examined and deemed to be patentable, it follows that any method of treatment employing the same compounds are necessarily novel and unobvious.

Accordingly, it would appear that examining all of the claims of Groups I, III, IV, V and VI in a single application would not be unduly burdensome. At the very least, Applicants

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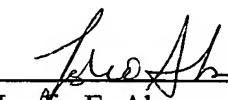
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respectfully submit that Groups I, III and IV should be rejoined. The compounds of Groups III and IV fall within the scope of the compounds of Group I. Applicants have amended claims 2-5 to reflect their dependency on claim 1. To be fully responsive, however, Applicants hereby elect the claims of group I while reserving the right to prosecute the claims of non-elected groups in future applications.

The Office Action also requires a species election of a single compound. Applicants elect as a species election, the compound of example 1, 9-(4-Methylbenzyl)-6-[4-(trifluoromethoxy)phenyl]-1,9-dihydropyrano[3,4-*b*]indole-3,4-dione. In this compound, R₁ is benzyl substituted with C₁₋₆ alkyl; R₂ is hydrogen; and R₃ is phenyl substituted by O-C₁₋₆ perfluoroalkyl. It is Applicants' understanding that this species election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims and that if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover the full scope of the claims. It is also Applicants' understanding that they will be entitled, as a matter of right, to rejoinder of the process claims of Groups V and VI, which depend from or otherwise include all the limitations of elected Group I. Claims 1, 3, 5, 6, and 19-33 read on the elected species.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. An early and favorable consideration of the present application is respectfully requested.

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